

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jason Zachary Resnikoff	Team: Team # 4	CCRB Case #: 201010292	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/27/2010 9:15 PM	Location of Incident: Inside a Chase Manhattan Bank on the corner of Bedford and Eastern Parkway	Precinct: 77	18 Mo. SOL 1/27/2012	EO SOL 1/27/2012	
Date/Time CV Reported Wed, 07/28/2010 12:21 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Wed, 07/28/2010 12:21 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM David Lamarre	01841	947929	PBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Brittany Foy	00939	947001	PBBN

Officer(s)	Allegation	Investigator Recommendation
A.POM David Lamarre	Discourtesy: PO David Lamarre spoke obscenely to § 87(2)(b)	

## Case Summary

On July 27, 2010, at approximately 9:30 p.m., at 391 Eastern Parkway in Brooklyn, PO David Lamarre, who was in the company of PO Brittany Foy, issued § 87(2)(b) a summons for disorderly conduct. The following allegation resulted from the officer's actions:

- **Allegation A – Discourtesy:** PO David Lamarre spoke obscenely to § 87(2)(b)

§ 87(2)(g)  
§ 87(2)(b) rejected mediation because he believed it would make no difference in the officer's future behavior.

## Results of Investigation

### Civilian Statement(s)

**Complainant:** § 87(2)(b)

§ 87(2)(b)

### Statements:

On July 28, 2010, § 87(2)(b) filed his complaint with the CCRB by phone. On July 29, 2010, he provided the CCRB with a telephone statement. He was interviewed by the CCRB on August 30, 2010. Below is a composite of § 87(2)(b)'s statements.

On July 27, 2010, at approximately 9:15 p.m., § 87(2)(b) was using an ATM inside the Chase Manhattan bank on the corner of Eastern Parkway and Bedford Avenue. There were two other individuals, a man and a woman that § 87(2)(b) could not identify, at the two other ATM's inside the bank. § 87(2)(b) was finishing a transaction when PO David Lamarre entered the bank with PO2 (identified through the investigation as PO Brittany Foy). Both officers walked up behind § 87(2)(b) and stood about two feet away, as if waiting to use the ATM. § 87(2)(b) had started a second transaction, using a different card, which belonged to his wife, when he looked over his shoulder and locked eyes with PO Lamarre. PO Lamarre said to § 87(2)(b) "You've got to respect," and made a motion with his hand indicating his uniform. § 87(2)(b) responded that PO Lamarre had to give respect to get it. In the second and third iterations of his statement, § 87(2)(b) said that PO Lamarre responded, "Hurry the fuck up," while in his initial complaint narrative he alleged that PO Lamarre said, "What the fuck are you looking at?" § 87(2)(b) asked for PO Lamarre's badge number and PO Lamarre responded by demanding § 87(2)(b)'s ID. § 87(2)(b) did not immediately provide his ID, asking first why PO Lamarre wanted it. § 87(2)(b) took out his phone and called 311, although he was never connected. PO Foy told § 87(2)(b) to keep quiet and that he was making it worse. § 87(2)(b) did give PO Lamarre his ID, and PO Lamarre escorted him out of the bank. PO Foy exited with them. In front of the bank, PO Lamarre issued § 87(2)(b) a summons for disorderly conduct.

### Attempts to Contact Civilians

According to both § 87(2)(b)'s statements and security footage of the incident, there were two adult witnesses to the alleged misconduct, a male and a female. However, § 87(2)(b) did not know the individuals or have any means of contacting them. It was attempted to identify witnesses based on the available security footage. Multiple requests were made to Chase Manhattan Bank between August 3, 2010, and November 19, 2010, to provide names and contact information, with negative results. Information was returned containing the name and address of a

female in response to a query for a male witness. A letter was sent to this name and address on November 22, 2010, and no response was ever received by the CCRB.

**NYPD Statement(s):**

**Subject Officer: PO David Lamarre**

- *PO Lamarre is a § 87(2)(b) male who is 5'9" tall, weighs 165 pounds, and has black hair and brown eyes. He is currently assigned to Patrol Boro Brooklyn North.*
- *On July 27, 2010, PO Lamarre worked from 5:30 p.m. to 2:00 a.m. with PO Brittany Foy. He was in uniform and he was assigned to a foot post.*

**Memo Book and CCRB Statement**

PO Lamarre had the following entry for July 27, 2010 at 9:46 p.m.: "96C [summons issued] § 87(2)(b) DOB § 87(2)(b) on the c/o Bedford and East PKWY for 220-20.2 Sprint #§ 87(2)(b) Deft. Was very uncooperative and did make false allegation against PO."

PO Lamarre was interviewed at the CCRB on December 21, 2010. On July 27, 2010, at approximately 9:30 p.m., PO Lamarre went inside the Chase Manhattan Bank on the corner of Eastern Parkway and Bedford Avenue in Brooklyn to withdraw money before taking his meal with PO Brittany Foy. Upon entering the bank, he saw § 87(2)(b) using an ATM and, in an attempt to be friendly, greeted him saying "How are you doing?" § 87(2)(b) looked at PO Lamarre with suspicion and asked "Why are you following me?" § 87(2)(b) claimed that PO Lamarre was harassing him. § 87(2)(b) started speaking very loudly, cursing at both PO Lamarre and PO Foy. He called PO Lamarre a "pussy" and used obscene language. PO Lamarre asked § 87(2)(b) to step outside the bank. Once outside, § 87(2)(b) became very agitated, and it was then that PO Lamarre decided to give § 87(2)(b) a summons for disorderly conduct. PO Lamarre never said "Hurry the fuck up," nor did he say, "What the fuck are you looking at?" He did not use any obscene language.

**Witness Officer: PO BRITTANY FOY**

- *PO Foy is a § 87(2)(b) black woman who is 4'10" tall, weighs 125 pounds, and has brown hair and brown eyes. She is currently assigned to Patrol Boro Brooklyn North.*
- *On July 27, 2010, PO Foy worked from 5:30 p.m. to 2:05 a.m. with PO David Lamarre. She was in uniform and was assigned to a foot post.*

**Memo Book and CCRB Statement**

PO Foy did not have any memo book entries relating to this incident. On July 27, 2010, at approximately 9:30 p.m., PO Foy was accompanying PO Lamarre to the Chase Manhattan bank on the corner of Bedford Avenue and Eastern Parkway so PO Lamarre could withdraw money from his account before taking his meal. Because all the ATMs were in use, PO Lamarre waited behind § 87(2)(b) who was using an ATM. § 87(2)(b) stepped away from the ATM for a moment, and PO Lamarre asked him if he was finished using it. § 87(2)(b) responded, "Should I be finished?" An argument started during which § 87(2)(b) grew increasingly agitated, in which § 87(2)(b) said that the officers could not force him to leave, that he was not finished, and that officers in general like to abuse their power. Both PO Foy and PO Lamarre affirmed that they just wanted to use the machine. § 87(2)(b) started speaking very loudly and cursing. PO Foy could not remember precisely what § 87(2)(b) said. Because there were other people in the ATM vestibule and because § 87(2)(b) was speaking and cursing very loudly, PO Lamarre asked § 87(2)(b) to step outside. In front of the bank, PO Lamarre issued § 87(2)(b) a summons for disorderly conduct. PO Foy did not remember

whether PO Lamarre used any discourteous language. She did not remember whether PO Lamarre ever said, “Hurry the fuck up,” or “What the fuck are you looking at?”

### **Other Evidence**

Security footage obtained from Chase Manhattan Bank from inside the bank during the incident, which has no audio, shows PO Lamarre and PO Foy entering the bank at 9:29 p.m. while § 87(2)(b) was using the ATM closest to the door. PO Lamarre stands behind § 87(2)(b) while PO Foy stands further back, away from the § 87(2)(b). § 87(2)(b) turns around and looks at PO Lamarre. The two begin an animated conversation in which they make large gestures with their hands and in which PO Lamarre closes the distance between the two until they are only inches apart. § 87(2)(b) steps away from the ATM while PO Lamarre begins using the machine and PO Foy engages § 87(2)(b) in conversation. At 9:31 p.m., PO Lamarre and PO Foy escort § 87(2)(b) out in front of the bank, which was outside the range of the camera.

§ 87(2)(a) 160.50  
§ 87(2)(b)

### **Status of Civil Proceedings**

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of January 18, 2011, with regard to the incident.

### **Civilian(s) Criminal History**

- As of January 11, 2011, Office of Court Administration records reveal no criminal convictions for § 87(2)(b).

### **Civilian(s) CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b).

### **Subject Officer(s) CCRB History**

- PO David Lamarre has been a member of the service for 2 years and there are no substantiated CCRB allegations against him.

### **Conclusion**

### **Identification of Subject Officer(s)**

PO Lamarre was identified through his tax identification number which § 87(2)(b) saw him write on the summons that he was issued.

### **Investigative Findings and Recommendations**

#### **Allegation A – Discourtesy: PO David Lamarre spoke obscenely to § 87(2)(b)**

§ 87(2)(b) alleged that PO Lamarre told him either to “Hurry the fuck up,” or asked him, “What the fuck are you looking at?” PO Lamarre claimed he said neither. PO Brittany Foy could not remember whether PO Lamarre made either statement. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

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Team:   4  

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Investigator: \_\_\_\_\_  
Signature                      Print                      Date

Supervisor: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date